

Appendix 10.4

Summary of Capacity & Implementation Indicators

Chapter-by-Chapter Summary of Capacity & Implementation Indicators	
2.0 Building Core Environmental Protection Program Capacities	
Indicators of Administrative Capacity	<p>(1) Organizational system for the environmental program that defines staff roles and responsibilities, describes the relationship of the environmental program to tribal leadership and other departments, and includes supporting personnel management policies/procedures that outline how staff will be managed</p> <p>(2) Staff with appropriate skills, knowledge and experience to manage the environmental program</p> <p>(3) Training plan for staff that reflects the capacity-building priorities for the environmental program</p> <p>(4) Program evaluation system that will determine if program objectives are met, fiscal resources are appropriately managed, and assistance award requirements satisfied</p> <p>(5) any necessary inter-governmental (federal, state, local) agreements to implement the environmental program</p> <p>(6) written procedures similar to the APA to ensure meaningful involvement and fair treatment in public participation</p>
Indicators of Financial Management Capacity	<p>(1) a statement by the appropriate tribal financial department that demonstrates that the tribe's accounting system, internal controls, and financial reporting procedures adhere to the requirements found in 40 CFR Part 31 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", 40 CFR Part 35 Environmental Program Grants for Tribes, 2 CFR, Part 225 (formerly OMB Circular A-87 "Cost Principles for State, Local and Indian tribal governments)", and OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations"</p> <p>(2) a statement by the appropriate tribal financial department that demonstrates that the Tribe has a procurement procedure that meets the minimum requirements for purchasing systems (responsibility, code of conduct, competition, cost and price review, disadvantaged business opportunity, debarment and suspension) as outlined in 40 CFR Part 31</p> <p>(3) written procedure for tracking (including final disposition) equipment and supplies acquired by the environmental program in compliance with 40 CFR Part 31</p> <p>(4) written procedure that describes how the environmental program will coordinate with other tribal departments to satisfy grant terms and conditions and reporting requirements (for example, application development/review/approval, creation and submission of required reports, maintenance of official file, closeout of award)</p> <p>(5) current indirect cost rate agreement</p>
Indicators of Information Management Capacity Indicators	<p>(1) written procedure for establishing an official file for each assistance award that will contain all documentation from application through final closeout and requires retaining those records in compliance with 40 CFR Part 31</p> <p>(2) written inventory of administrative and technical procedures, policies, regulations, or other guidelines developed to implement the environmental program</p> <p>(3) system to store and organize data and information collected or generated by the environmental program for future use in characterizing environmental and human health conditions, responding to information requests, developing environmental projects/initiatives, or other project management data systems</p> <p>(4) exchanging and/or sharing data through the National Environmental Information Exchange Network</p>

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Indicators of Baseline Needs Assessment	A recent baseline needs assessment (or comparable planning document) that reflects known information about existing/potential threats to human health and the environment within the tribe's jurisdiction, an evaluation of the potential impact of these threats to tribal members and resources, and prioritization of activities by the environmental program to address identified threats.
Indicators of Public Participation, Community Involvement, Education, and Communication Capacity	(1) outreach methods that will be used to reach specific affected communities and groups (2) format for public notices, press releases, and other types of communication with the public (3) methods that will be used to collect public concerns and respond to issues raised (4) contact lists for other governmental entities and types of information that will be shared (5) methods to conduct general public education, awareness, community engagement, and information exchange on issues related to human health and the environment
Indicators of Legal Capacity	(1) a statement by tribal legal counsel that demonstrates that the tribe has authority to pass and enforce laws/ordinances to protect human health and the environment (2) a statement by tribal legal counsel that demonstrates that tribal government authorities provide the tribe with power to enjoin activities determined to be harmful to the health or welfare of persons or natural resources (3) a dedicated section of its codes/ordinances/statutes for environmental protection program activities
Indicators of Technical and Analytical Capacities	(1) quality assurance and management plans (2) establishing intergovernmental agreements with other jurisdictions (3) leveraging funding from other sources (4) developing environmental monitoring/sampling programs
4.0 Protecting Ambient Air Quality in Indian Country	
Indicators of Federal Air Program Capacity	Staff has completed appropriate training and acquired baseline knowledge and skills related to the CAA Emissions inventory completed and submitted to the National Emissions Inventory Database Air monitoring strategy and associated quality assurance project plan developed and implemented Quality assured ambient air monitoring data uploaded into AQS database Report completed that analyzes air quality issues impacting the reservation (identifies air pollution sources and known levels of emissions, defines potential human health and environmental impacts of current air quality, provides recommendations for action)
Indicators of Federal Air Program Implementation	Receiving funding under the CAA to support air quality projects and programs Specific air quality projects/programs that have been initiated Federal inspector credentials obtained Applications submitted under the TAR for specific CAA authorities Development of a Tribal Implementation Plan Redesignation of reservation to a Class I area Development of air quality standards CAA permits issued Development of an EPA-tribal MOA/MOU concerning joint implementation of CAA authorities Specific CAA compliance assistance activities conducted Specific CAA compliance inspections conducted Pursue enforcement to address noncompliance

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5.0 Protecting Water Resources in Indian Country	
Indicators of Federal Water Program Capacity	<p>Staff has completed appropriate training and acquired baseline knowledge and skills related to the CWA and SDWA</p> <p>Surface water monitoring strategy and associated quality assurance project plan developed and implemented</p> <p>Quality assured surface monitoring data uploaded into STORET database</p> <p>Report completed that analyzes water quality issues impacting the reservation (identifies dischargers and types/amounts of discharge, defines potential human health and environmental impacts of current water quality, provides recommendations for action)</p> <p>Nonpoint source pollution assessment plan developed</p> <p>Nonpoint source pollution management plan developed</p>
Indicators of Federal Water Program Implementation	<p>Receiving funding under the CWA and/or SDWA to support surface water or groundwater quality protection projects and programs</p> <p>Specific water quality projects/programs that have been initiated</p> <p>Federal inspector credentials obtained</p> <p>Drinking water and/or waste water operator certifications obtained</p> <p>Applications for program eligibility submitted for specific CWA and SDWA authorities</p> <p>Water quality standards developed</p> <p>CWA permits issued</p> <p>Development of an EPA-tribal MOA/MOU concerning joint implementation of CWA and/or SDWA authorities</p> <p>Specific CWA or SDWA compliance assistance activities conducted</p> <p>Specific CWA or SDWA compliance inspections conducted; and Pursue enforcement to address noncompliance</p>
6.0 Managing Wastes and Underground Storage Tanks in Indian Country	
Indicators of Tribal Waste Management Program Capacity	<p>Staff has completed appropriate training and acquired baseline knowledge and skills related to RCRA</p> <p>Solid waste assessment completed</p> <p>IWMP developed</p> <p>Solid waste management code/ordinance that supports the IWMP developed and approved by Tribal Council</p> <p>Open dump inventory completed and submitted to EPA and IHS</p> <p>Receiving funding under RCRA or other programs to support waste management and/or UST projects and programs</p> <p>Tribal staff leading circuit rider, train the trainer, and peer-match programs</p>
Indicators of Tribal Waste Management Program Implementation	<p>Open dump(s) closed/cleaned up</p> <p>Obtain federal inspector credentials for federal hazardous waste program</p> <p>Obtain federal inspector credentials for federal UST program</p> <p>Specific programs related to waste management (used oil collection program, junk vehicle program, etc.) developed and implemented</p> <p>Development of an EPA-tribal agreement concerning joint implementation of RCRA authorities</p> <p>Specific RCRA compliance assistance activities conducted</p> <p>Specific RCRA compliance inspections conducted</p> <p>Pursue enforcement to address noncompliance</p>

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7.0 Remediating Contaminated Sites and Providing Emergency Response in Indian Country	
Indicators of Tribal Emergency Response and Remediation Program Capacity	<p>Staff has completed appropriate training and acquired baseline knowledge and skills related to CERCLA, EPCRA, and Brownfields</p> <p>Site inventory of properties of concern completed</p> <p>Tribe has established EPCRA-organization (TERC, LEPC, etc.)</p> <p>Reservation lands and resources covered by an EPCRA-compliant local emergency plan</p> <p>Emergency response training and exercises completed</p> <p>Tribe has enacted codes/ordinances and/or regulations establishing oversight and enforcement authority to address contaminated sites</p> <p>Tribe has established cleanup standards for soil and groundwater to guide response and remediation decisions on contaminated sites.</p> <p>Tribe has established mechanisms to provide meaningful opportunities for public participation in site cleanup decisions</p>
Indicators of Tribal Emergency Response and Remediation Program Implementation	<p>Receiving funding under CERCLA, EPCRA, or Brownfields to support emergency response or site remediation projects and programs</p> <p>Tribal Development Plan completed</p> <p>Site remediation activities completed (e.g., the number of sites addressed and the number of acres of contaminated land returned to reuse)</p> <p>Development of an EPA-tribal MOA/MOU concerning joint implementation of CERCLA</p> <p>Development of a support agency cooperative agreement</p> <p>Participation in a DOD or DOE advisory board to provide input on cleanup decisions at federal facilities</p>
8.0 Managing Asbestos, Lead-Based Paint, Pesticides, and Toxics in Indian Country	
Indicators of Federal Toxics Program Capacity	<p>Staff has completed appropriate training and acquired baseline knowledge and skills related to AHERA, FIFRA, and TSCA</p> <p>Inventory of K-12 schools on reservation completed</p> <p>Pesticides needs assessments completed</p> <p>Amount of pre-1978 target housing and child-occupied buildings documented</p> <p>Tribal staff leading circuit rider, train the trainer, and peer-match programs</p>
Indicators of Federal Toxics Program Implementation	<p>Receiving funding under FIFRA and/or TSCA to support projects or programs related to managing toxics</p> <p>Specific pesticides, lead-based paint, and/or radon projects or programs have been initiated</p> <p>Federal inspector credentials obtained</p> <p>Applications for program eligibility submitted for TSCA authorities</p> <p>Development of an EPA-tribal MOA/MOU concerning joint implementation of FIFRA and/or TSCA authorities</p> <p>Specific FIFRA/TSCA compliance assistance activities conducted; tribal applicator training and certification program is in place</p> <p>Specific FIFRA/TSCA compliance inspections conducted; and Pursue enforcement to address noncompliance</p>